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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/771,257	01/26/2001	Balaji S. Holur	062891.0510	8120

7590 01/10/2006
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EXAMINER

VU, VIET DUY

ART UNIT PAPER NUMBER

2154

DATE MAILED: 01/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/771,257

Applicant(s)

HOLUR ET AL.

Examiner

Viet Vu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 December 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4, 7-14, 17-24, 27-34, 37-42, 44-50, 52-58 and 60-64 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 47, 55 and 63 is/are allowed.
- 6) ☒ Claim(s) 1-4, 7, 10-14, 17, 20-24, 27, 30-34, 37, 40-42, 44, 48-50, 52, 56-58, 60 and 64 is/are rejected.
- 7) ☒ Claim(s) 8, 9, 18, 19, 28, 29, 38, 39, 45, 46, 53, 54, 61 and 62 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

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Art Rejections:

1. The text of 35 USC 103(a) not cited here can be found in the previous office action.

2. Claims 1-4, 7, 10-14, 17, 20-24, 27, 30-34, 37, 40-42, 44, 48-50, 52, 56-58, 60 and 64 are rejected under 35 U.S.C. 103(a) as being unpatentable over Forslow et al, U.S. pat. Appl. Pub. No. 2003/0039237, in view of Bressler, U.S. pat. No. 6,584,190.

Per claim 1, Forslow discloses a system and method for providing service access in a wireless network comprising:

a) generating at a client application a request comprising a discovery message associated with a network session (see Forslow in page 10, par. 97),

b) determining allowability of the session based on a service agreement stored in a local server without accessing external resources (see Forslow in page 11, par. 100).

Forslow also teaches using standard SS7 control signaling for communicating and registering a roaming client in a visiting network (see Forslow in page 2, par. 10).

Forslow does not explicitly teach using an out-of-band channel for communicating between the client and the visiting network. However, the SS7 signaling system is widely known to use out-of-band channel for setting up calls and/or registering

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a roaming client as disclosed by Bressler (see Bressler in col 1, lines 21-24).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the out-of-band signaling in Forslow because it would have enabled the system to more quickly setup a communication session with the roaming client (see Forslow in page 2, par. 10).

Per claims 2-4, Forslow teaches accessing the external resource for retrieving user data and service agreement when the mobile client entering the network for the first time, and storing the retrieved data and other generated session data at the local server for subsequent uses (see Forslow in page 5, par. 50).

Per claims 7 and 10, it is noted that the request and response messages would comprise solicitation and advertisement messages that also include client/server addresses (see Forslow in page 5, par. 51 and page 11, par. 103).

Claims 11-14, 17, 20-24, 27, 30-34, 37, 40-42, 44, 48-50, 52, 56-58, 60 and 64 are similar in scope as that of claims 1-4, 7 and 10.

Allowable Subject Matter:

3. Claims 8-9, 18-19, 28-29, 38-39, 45-46, 53-54, and 61-62 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

4. Claims 47, 55, and 63 are allowed over prior art of record.

Response to Amendment:

5. Applicant's arguments filed on 12/6/05 with respect to claims 1-4, 7, 10-14, 17, 20-24, 27, 30-34, 37, 40-42, 44, 48-50, 52, 56-58, 60 and 64 are moot in view of new ground of rejection set forth above.

Conclusion:

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Viet Vu whose telephone number is 571-272-3977. The examiner can normally be reached on Monday through Thursday from 8:00am to 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee, can be reached on 571-272-3964.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through

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Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



VIET D. VU
PRIMARY EXAMINER

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1/5/06